

FILED  
CITY 2794

2020 MAY 26 P 1:23

ORDINANCE NO. 2020.20

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF TIPPECANOE COUNTY,  
INDIANA, TO REZONE CERTAIN REAL ESTATE FROM R1B TO NB

**BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF LAFAYETTE,  
INDIANA:**

Section I: The Unified Zoning Ordinance Tippecanoe County, Indiana being a separate ordinance and part of the Municipal Code of Lafayette, Indiana, is hereby amended to rezone the following described real estate situated in Fairfield Tippecanoe County, Township, Indiana, to-wit:

See attached Exhibit A

Section II: The above described real estate should be and the same is hereby rezoned from R1B to NB.

Section III: This Ordinance shall be in full force and effect from and after its adoption.

**PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF LAFAYETTE, INDIANA, THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2020.**

ATTEST:

\_\_\_\_\_, Presiding  
Officer

\_\_\_\_\_  
Cindy Murray, City Clerk

Presented by me to the Mayor of the City of Lafayette, Indiana, on the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Cindy Murray City Clerk

This Ordinance approved and signed by me on the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

ATTEST:

\_\_\_\_\_  
Tony Roswarski, Mayor

\_\_\_\_\_  
Cindy Murray, City Clerk

## **EXHIBIT A**

Lot Numbered fourteen (14) in the Edgelea Addition, Part One (1) Section One (1) in the City of Lafayette, Indiana

AND

Lot numbered Fifteen (15) and Sixteen (16) in the Edgelea Addition, Part One (1) Section One (1), to the City of Lafayette, Indiana, as per plat recorded August 12, 1954 in Plat Book 5, Page 6-A in the Office of the Recorder of Tippecanoe County, Indiana.

EXCEPT: A Part of Lot 16 in Part 1, Section 1 of Edgelea Addition to the City of Lafayette, Indiana, the plat of which is recorded in Plat Book 5, Page 6-A, in the Office of the Recorder of Tippecanoe County, Indiana, described as follows: Beginning at a point on the north line of said lot north 89 degrees 28 minutes 00 seconds east 38.98 feet from the northwest corner of said lot, which point of beginning is on the south boundary of S.R. 25; thence north 89 degrees 28 minutes 00 seconds east 26.16 feet along the north line of said lot; thence along the north line of said lot southeasterly 23.42 feet along an arc to the right and having a radius of 15.00 feet and suspended by a long chord having a bearing of south 45 degrees 47 minutes 45 seconds east and a length of 21.12 feet to the east line of said lot (which line also the west boundary of South 18<sup>th</sup> Street); thence south 1degree 03 minutes 30 seconds east 28.89 feet along the east line of said lot; thence north 43 degrees 58 minutes 04 seconds west 60.25 feet to the point of beginning and containing 850 square feet, more or less.

THE

# Area Plan Commission

of TIPPECANOE COUNTY

20 NORTH 3RD STREET  
LAFAYETTE, INDIANA 47901-1209

(765) 423-9242  
(765) 423-9154 [FAX]  
[www.tippecanoe.in.gov/apc](http://www.tippecanoe.in.gov/apc)

SALLIE DELL FAHEY  
EXECUTIVE DIRECTOR

May 21, 2020  
Ref. No.: 2020-122

Lafayette Common Council  
20 N 6<sup>th</sup> Street  
Lafayette, IN 47901

## CERTIFICATION

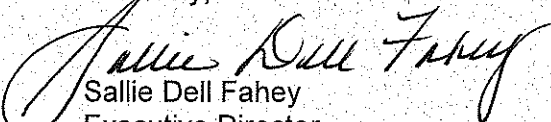
**RE: Z-2794 TECUMSEH DENTAL PROPERTIES, LLC (R1B to NB):**  
Petitioner is requesting rezoning of three lots at the southwest corner of Teal Road (US 52) and S. 18th Street in order to expand an existing dentist's office, at 1709 Teal Rd., Lafayette, Fairfield 33 (SW) 23-4.

Dear Council Members:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on May 20, 2020 the Area Plan Commission of Tippecanoe County voted 15 yes - 0 no on the motion to rezone the subject real estate from R1B to NB. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Lafayette Common Council that the proposed rezoning ordinance be APPROVED for the property described in the attachment.

Public Notice has been given that this petition will be heard before the Lafayette Common Council at their June 1, 2020 regular meeting. Petitioners or their representatives must present their case.

Sincerely,



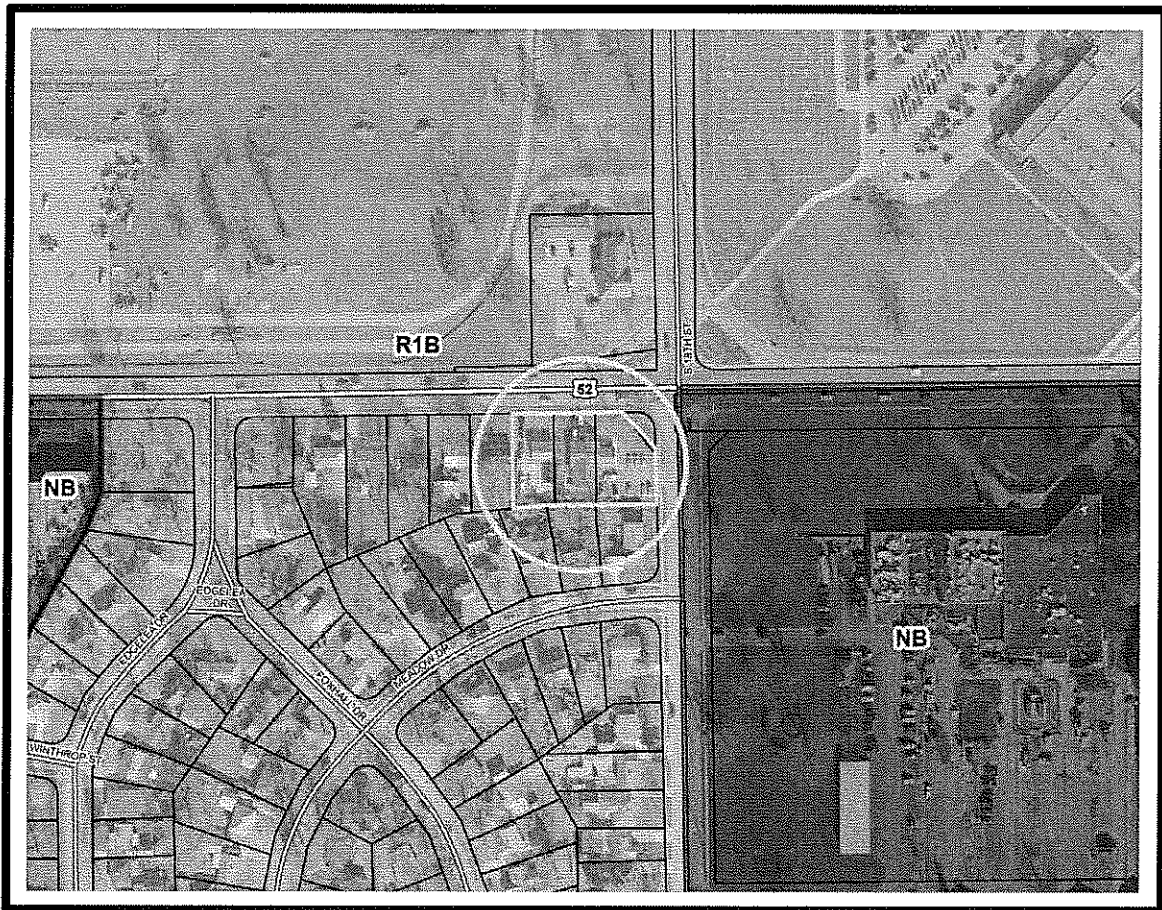
Sallie Dell Fahey  
Executive Director

SDF/crl

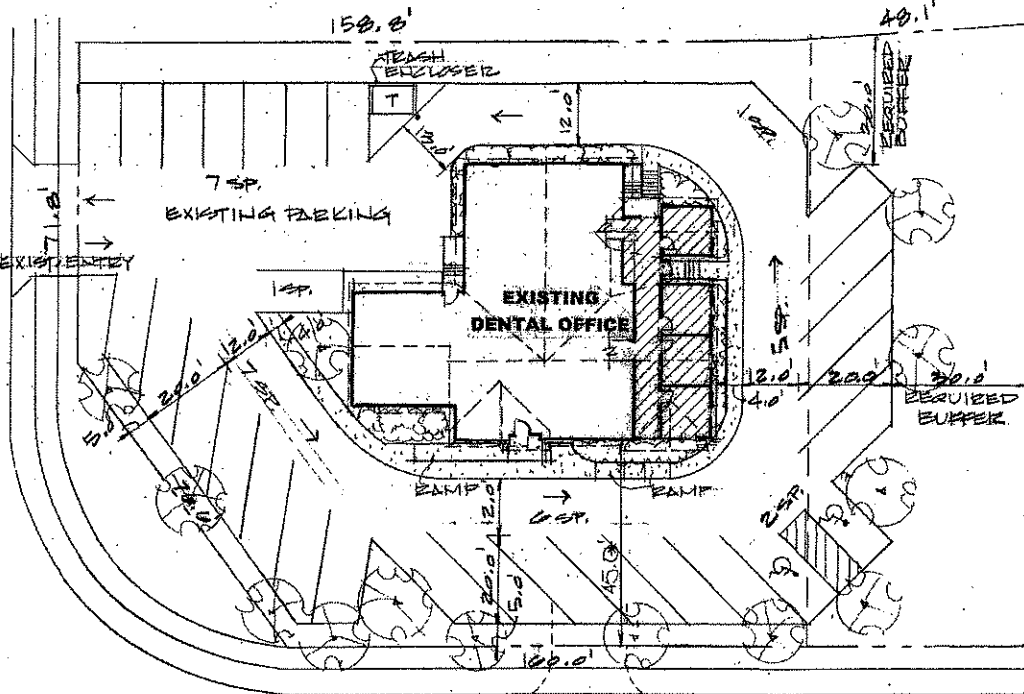
Enclosures: Staff Report & Ordinances

cc: Brian Henry, Tecumseh Dental Properties, LLC  
Sarah Wyatt, Ball Eggleston, PC  
Jeromy Grenard, Lafayette City Engineer

**STAFF REPORT**  
**May 14, 2020**



18<sup>TH</sup> STREET



**PROPOSED ADDITION FOR:  
TECUMSEH DENTAL CENTER**

**1709 TEAL ROAD  
LAFAYETTE, INDIANA**

**REVISED  
SITE PLAN  
9/21/18**

**TEAL ROAD  
SITE PLAN & FLOOR PLAN**

1"=20'-0"

\*VARIANCE REQUIRED



<b>TECUMSEH DENTAL CENTER:</b>	
EXISTING BUILDING (MAIN FLOOR)	2,684 SF GROSS
PROPOSED ADDITION (MAIN FLOOR)	834 SF GROSS
<b>TOTAL</b>	<b>3,528 SF GROSS</b>

BUILDING COVERAGE	14% (50% MAX. ALLOWED NB)
GREEN SPACE	32% (20% MIN. REQUIRED NB)
REQUIRED PARKING	29 MIN. SPACES REQUIRED
PARKING SHOWN:	29 SPACES SHOWN

**Wischmeier  
Architecture**  
(765) 447-9628

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**Z-2794**  
**TECUMSEH DENTAL PROPERTIES, LLC**  
**R1B to NB**

**Staff Report**  
**May 14, 2020**

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**REQUEST MADE, PROPOSED USE, LOCATION:**

Petitioner, represented by attorney Sarah Wyatt, is requesting rezoning of three lots at the southwest corner of Teal Road and South 18<sup>th</sup> Street to expand an existing dentists' office. The site's address is 1709 Teal Road, Lafayette, Fairfield 33 (SW) 23-4.

**ZONING HISTORY AND AREA ZONING PATTERNS:**

This property is currently zoned R1B and is shown as R1B on the 1965 Lafayette City zoning maps. There have been no rezone requests in the area for the last 30 years. Property to the north, south and west is also zoned R1B. Land to the east across 18<sup>th</sup> Street is zoned NB, Neighborhood Business.

**AREA LAND USE PATTERNS:**

The existing structure was granted a special exception for a chiropractor's office in 1973, (BZA-0215). This site has been in use as a medical professional office since this approval. The dental business was opened in 1984 and currently covers the eastern two lots. The third lot in this request on the west side was purchased by petitioner in 2016. Although it has a single-family house, petitioner has been using this lot, to the rear and on the west side of the house for paved employee parking.

Single-family homes are located adjacent to the west and south. North across Teal is a city fire station, the county fair grounds and Tecumseh Middle and Lafayette Jefferson High Schools. East across 18<sup>th</sup> Street is the former Lafayette Life building that has since been purchased by the Lafayette School Corporation and converted to a career center.

A nonbinding site plan was submitted with the filing (see attachment) that shows the existing house would be razed and an 834-square foot addition would be constructed on the west side of the existing building.

**TRAFFIC AND TRANSPORTATION:**

Both Teal Road and South 18<sup>th</sup> Street are classified as primary arterials requiring 60' setbacks. The existing structure is 45' from the right-of-way line of Teal and 40' from the right-of-way at the intersection. The parking for this use is 1 space per treatment room or dentist chair, plus 1 space per each employee, or dentist.

The western lot that is currently a single-family home has driveway access onto Teal Road. Based on the submitted site plan, petitioner proposes to close this driveway and that all the parking spaces on site will gain access from the existing 18<sup>th</sup> Street entrance.

**ENVIRONMENTAL AND UTILITY CONSIDERATIONS:**

A 30' type C bufferyard is required when NB land is redeveloped adjacent to R1B.

**STAFF COMMENTS:**

Based on the current use and zone this site is considered a nonconforming use. According to the ordinance, the dental center can continue to operate if it's not abandoned or the building expanded. The petitioner is proposing to increase the size of the building to provide additional treatment rooms. If the rezone is approved the structure would still be considered a nonconforming structure because it does not meet the setbacks along the frontage. The use could be expanded but the addition would need to meet the current standards; the proposed expansion based on the site plan would need at least one setback variance.

Staff would normally make an argument that rezoning this site could lead to additional unwanted expansion of the business zone along Teal Road to the west. But because this has been a medical establishment for over 40 years and no "commercial creep" has happened, staff feels the residences to the west are safe and this request can be supported. Additionally, rezoning this site would allow for an expansion of an established and low intensity use.

**STAFF RECOMMENDATION:**

Approval